

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAS ADISA GAMBA OLUWA,

Plaintiff,

No. CIV S-04-0233 MCE GGH P

vs.

DIRECTOR OF CALIFORNIA
DEPT. OF CORRECTIONS, et al.,
Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Upon reviewing the pretrial statements in this matter, the court finds that federal jurisdiction in this action may be lacking. Therefore, the undersigned will vacate the pretrial conference on the papers in this case as well as the September 27, 2006, trial date, and will now require defendants to bring a motion for summary judgment within 45 days. There will be NO extension of time.

Defendant was previously not permitted a second 60-day extension of time to file a dispositive motion, wherein counsel requested the second extension to bring either a motion for summary judgment or a motion to revoke plaintiff's in forma pauperis status. See Order, filed on May 24, 2006. The undersigned will not, as asserted in the prior order, consider a motion to revoke in forma pauperis status at so late a stage in this litigation. The court is reluctant to allow

1 defendant, who showed insufficient cause for the second time extension request, to bring a
2 summary judgment motion at this time and is compelled to do so only by its duty to promote
3 judicial economy and efficiency.

4 Accordingly, IT IS ORDERED that:

5 1. Defendant must file a motion for summary judgment within 45 days of the date
6 of this order; defendant will not be permitted any extension of time for doing so;

7 2. Plaintiff must file his opposition within 45 days of the filing of the motion;

8 3. Defendant must file any reply within 15 days thereafter;

9 4. The pretrial date is vacated, as is the September 27, 2006, jury trial, to be re-
10 set, if appropriate, upon adjudication of defendant's motion for summary judgment to be filed
11 within 45 days.

12 DATED: 7/6/06

/s/ Gregory G. Hollows

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14 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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